



WIL-115US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No: 10/611,763
Applicant: William T. Wilkinson et al.
Filed: July 1, 2003
Title: EXERCISE DEVICE FOR EXERCISING UPPER BODY
SIMULTANEOUSLY WITH LOWER BODY EXERCISE
TC/A.U.: 3764
Examiner: Unknown
Confirmation No.: 2147
Docket No.: WIL-115US

DECLARATION OF WILLIAM T. WILKINSON

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned, William T. Wilkinson, hereby declares the following:

- (1) I am a co-inventor and sole assignee of the above-captioned application.
- (2) The purpose of this declaration is to provide the required statements for a Petition to Make Special being filed for the above-captioned application.
- (3) I am personally aware that the model RT1 Core Fitness System treadmill is currently being sold by Sears, and on information and belief, manufactured for Sears by the Horizon Fitness Division of Johnson Health Tech, Inc.
- (4) I have made or have caused to be made a rigid comparison of the model RT1 Core Fitness System treadmill with the claims currently pending in the application, and it is my opinion that some of the claims are unquestionably infringed by the model RT1 Core Fitness System treadmill.
- (5) I have made or caused to be made a careful and thorough search of the prior art and has a good knowledge of the pertinent prior art. At least one such search was conducted by a foreign patent office on the PCT application

WIL-115US

claiming priority from the parent application of this application. I also had a search performed on February 8, 2001, prior to filing the non-provisional application that is the parent of this application. The searcher searched class 482, subclasses 51, 64, 120, 124, 127, 129, and 148. My attorney also reviewed my prior patents in this field and prior art references cited by those patents. I had an additional search performed using the M-CAM® search engine. Accordingly, I believe I have a good knowledge of the pertinent prior art.

(5). By my signature below, I hereby declare that all statements made in this document of my own knowledge are true, and that all statements made on information and belief are believed to be true. Further, I hereby declare that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing on the application.

Respectfully Submitted,


William T. Wilkinson

Dated: